SOUTHERN DISTRICT OF NEW YORK	X
LUCIO CELLI,	: 24-CV-9743 (JPC) (RWL)
Plaintiff,	:
- against -	ORDER
NEW YORK CITY, ET AL.,	
Defendants.	: : : X

## **ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This order addresses several applications made by Plaintiff.

- 1. The application at Dkt. 66 is addressed to Judge Cronan and will be addressed by him in due course to the extent the motion may be considered objections to an order of the undersigned.
- 2. Plaintiff's "motion to vacate unauthorized judicial actions and complaint of judicial misconduct" at Dkt. 88 is addressed to Judge Rearden and the Chief Judge. Neither of those judges is assigned to the case. Additionally, the supporting memorandum of law at Dkt. 89 (see also Dkt. 91) argues generally for recusal of "the assigned judge(s)" and referral for investigation of misconduct based on unspecified political activity. Elsewhere, Plaintiff has expressed concern about various judges alleged political affiliations with Senators Schumer and Gillibrand. Those Senators either sponsored and/or voted to confirm various judges pursuant to lawful procedures. Any suggestion of political influence is frivolous. Accordingly, the motion is DENIED.

3. Plaintiff's "motion to stay and strike unlawful deadlines due to pending mandamus petition" at Dkt. 92 seeks to stay the dates this Court set in connection with the order to show cause issued at Dkt. 87. Those dates are May 8, 2025 (written submission, if any) and May 13, 2025 (hearing at court). Plaintiff argues that the deadlines are "unlawful" because Plaintiff has filed a mandamus petition divesting this Court of jurisdiction. The only application for mandamus relief on the docket is at Dkts. 53 and 62, which seek relief as to matters involving his criminal conviction in the Eastern District of New York. That mandamus application, directed to Judge Cronan and this the undersigned, has no relevance to the orders issued by this Court in this matter and, in any event, is frivolous. A letter from Plaintiff dated February 24, 2025 at Dkt. 55 states that Plaintiff plans to file a petition in the Second Circuit seeking my "recusal under mandamus," and asks that I not make any ruling until the Second Circuit acts on the petition. There is nothing on the docket indicating that any such mandamus petition has been filed with the Second Circuit. Plaintiff did file a motion for recusal at Dkt. 63, which was denied by Dkt. 64. Accordingly, Plaintiff's motion to stay and strike is DENIED, and the order to show cause, including the dates set forth therein, remains operative. Failure to appear for the show cause hearing may result in dismissal of Plaintiff's complaint with prejudice for that reason alone.

The Clerk of Court is respectfully directed to terminate the motions at Dkts. 88 and 92.

SO ORDERED.

ROBERT W. LEHRBURGER

UNITED STATES MAGISTRATE JUDGE

Dated: April 24, 2025

New York, New York

Copies transmitted this date to all counsel of record. The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.